

Applicant or Patentee: Joseph Nathan Mitchell and Martin Peter Wüest  
Serial or Patent No:  
Attorney's Docket No. 26552-00172  
Date Filed or Issued: herewith  
For: *Thermally Actuated Spectroscopic Optical Switch*

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

**NAME OF ORGANIZATION:** Southwest Research Institute  
**ADDRESS OF ORGANIZATION:** 6220 Culebra Road (P.O. Drawer 28510)  
San Antonio, Texas 78238  
**TYPE OF ORGANIZATION:** TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(c)(3))

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled *Thermally Actuated Spectroscopic Optical Switch* by inventors Joseph Nathan Mitchell and Martin Peter Wüest described in

- ☒ [ X ] the specification filed herewith  
☐ [ ] application serial no. , filed

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the inventions is listed below. \* No rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_ N/A

ADDRESS: \_\_\_\_\_ N/A

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING \_\_\_\_\_ John F. Sprencel

TITLE IN ORGANIZATION \_\_\_\_\_ CFO and Vice President - Finance

ADDRESS OF PERSON SIGNING \_\_\_\_\_ 6220 Culebra Road, P.O. Drawer 28510

San Antonio, Texas 78228-0510

SIGNATURE \_\_\_\_\_ DATE 8-31-00

(2816)



**RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)**  
**DECLARATION AND POWER OF ATTORNEY**

**FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **THERMALLY ACTUATED SPECTROSCOPIC OPTICAL SWITCH**, the specification of which: (mark only one)

- ☒ (a) is attached hereto.  
☐ (b) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)  
☐ (c) was filed as PCT International Application No. PCT/\_\_\_\_\_ on \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).  
☐ (d) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was issued a Notice of Allowance on \_\_\_\_\_.  
☐ (e) was filed on \_\_\_\_\_ and bearing attorney docket number \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

PRIOR FOREIGN PATENTS

<u>Number</u>	<u>Country</u>	<u>Month/Day/Year</u> <u>Filed</u>	<u>Date first</u> <u>laid-open or</u> <u>Published</u>	<u>Date</u> <u>patented or</u> <u>Granted</u>	<u>Priority Claimed</u> <u>Yes</u> <u>No</u>
---------------	----------------	---------------------------------------	--	---	---

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

PRIOR U.S. OR PCT APPLICATIONS

<u>Application No. (series code/serial no.)</u>	<u>Month/Day/Year Filed</u>	<u>Status(pending, abandoned, patented)</u>
---	-----------------------------	---

NONE

I hereby appoint:

TIMOTHY G. ACKERMANN, Reg. No. 44,493  
THOMAS E. ANDERSON, Reg. No. 37,063  
BENJAMIN J. BAI, Reg. No. 43,481  
MICHAEL J. BLANKSTEIN, Reg. No. 37,097  
MARY JO BOLDINGH, Reg. No. 34,713  
MARGARET A. BOULWARE, Reg. No. 28,708  
ARTHUR J. BRADY, Reg. No. 42,356  
MATTHEW O. BRADY, Reg. No. 44,554  
DANIEL J. BURNHAM, Reg. No. 39,618  
THOMAS L. CANTRELL, Reg. No. 20,849  
RONALD B. COOLLEY, Reg. No. 27,187  
THOMAS L. CRISMAN, Reg. No. 24,846  
STUART D. DWORK, Reg. No. 31,103  
WILLIAM F. ESSER, Reg. No. 38,053  
ROGER J. FRENCH, Reg. No. 27,786  
JANET M. GARETTO, Reg. No. 42,568  
JOHN C. GATZ, Reg. No. 41,774  
RUSSELL J. GENET, Reg. No. 42,571

J. KEVIN GRAY, Reg. No. 37,141  
STEVEN R. GREENFIELD, Reg. No. 38,166  
J. PAT HEPTIG, Reg. No. 40,643  
SHARON A. ISRAEL, Reg. No. 41,867  
JOHN R. KIRK JR., Reg. No. 24,477  
PAUL R. KITCH, Reg. No. 38,206  
TIMOTHY M. KOWALSKI, Reg. No. 44,192  
JAMES F. LEA III, Reg. No. 41,143  
ROBERT W. MASON, Reg. No. 42,848  
ROGER L. MAXWELL, Reg. No. 31,855  
ROBERT A. McFALL, Reg. No. 28,968  
STEVEN T. McDONALD, Reg. No. 45,999  
LISA H. MEYERHOFF, Reg. No. 36,869  
STANLEY R. MOORE, Reg. No. 26,958  
RICHARD J. MOURA, Reg. No. 34,883  
MARK V. MULLER, Reg. No. 37,509  
P. WESTON MUSSELMAN JR. Reg. No. 31,644  
SPENCER C. PATTERSON, Reg. No. 43,849

RUSSELL N. RIPPAMONTI, Reg. No. 39,521  
STEPHEN G. RUDISILL, Reg. No. 20,087  
HOLLY L. RUDNICK, Reg. No. 43,065  
J.L. JENNIE SALAZAR, Reg. No. 45,065  
KEITH W. SAUNDERS, Reg. No. 41,462  
JERRY R. SELINGER, Reg. No. 26,582  
KEVIN J. SIMONS, Reg. No. 45,110  
GARY B. SOLOMON, Reg. No. 44,347  
WAYNE O. STACY, Reg. No. 45,125  
STEVE Z. SZCZEPANSKI, Reg. No. 27,957  
ANDRE M. SZUWALSKI, Reg. No. 35,701  
ALAN R. THIELE, Reg. No. 30,694  
TAMSEN VALOIR, Reg. No. 41,417  
RAYMOND VAN DYKE, Reg. No. 34,746  
BRIAN D. WALKER, Reg. No. 37,751  
GERALD T. WELCH, Reg. No. 30,332  
HAROLD N. WELLS, Reg. No. 26,044  
WILLIAM D. WIESE, Reg. No. 45,217

all of the firm of **JENKENS & GILCHRIST, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to:

Mark V. Muller  
Jenkins & Gilchrist, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202-2799  
(210) 246-5688  
(210) 246-5999 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAMED INVENTOR(S)

1	Joseph Nathan Mitchell <b>Full Name</b>	<i>Joseph Nathan Mitchell</i> <b>Inventor's Signature</b>	8-30-2000 <b>Date</b>
	San Antonio, Texas		US
	<b>Residence</b> (city, state, country)		<b>Citizenship</b>
2	14900 Nacogdoches Road-604 San Antonio, Texas 78247 <b>Post Office Address</b> (include zip code)		
	Martin Peter Wüest <b>Full Name</b>	<i>Martin Peter Wüest</i> <b>Inventor's Signature</b>	8-30-2000 <b>Date</b>
	San Antonio, Texas		Switzerland
<b>Residence</b> (city, state, country)		<b>Citizenship</b>	
9214 Wickheather San Antonio, Texas 78250-2215 <b>Post Office Address</b> (include zip code)			